

1 **(February 16, 1999)**

2 **Minority And Women's Business Enterprise (MWBE) Participation**

3 **General Statement**

4 In accordance with the legislative findings and policies set forth in Chapter
5 39.19 RCW the State of Washington encourages participation in all of its
6 contracts by MWBE firms certified by the office of Minority and Women's
7 Business Enterprises (OMWBE). Participation may be either on a direct
8 basis in response to a solicitation/invitation or as a subcontractor to a
9 Bidder/Proposer. No preference will be included in the evaluation of
10 bids/proposals, no minimum level of MWBE participation shall be required
11 as a condition for receiving an award and bids/proposals will not be rejected
12 or considered non-responsive on that basis.

13
14 **Voluntary MWBE Goals**

15 Voluntary numerical MWBE participation goals shall be established for all
16 solicitation/invitations where applicable. These goals are voluntary, but
17 achievement of the goals is encouraged. No preference will be included in
18 the evaluation of bids/proposals, no minimum level of MWBE participation
19 shall be required as a condition of award or completion of the contract work,
20 and bids/proposals will not be rejected or considered non-responsive on
21 that basis. Bidders may contact OMWBE at 360-753-9693 to obtain
22 information on certified firms.

23
24 **Affirmative Efforts To Increase Participation By MWBE's**

25 **Voluntary Efforts**

26 Bidders/Proposers/Contractors are encouraged to:

- 27
- 28 1. Advertise opportunities for subcontractors or suppliers in a
29 manner reasonably designed to provide MWBEs capable of
30 performing the work with timely notice of such opportunities
31 and all advertisements should include a provision encouraging
32 participation by MWBE firms. Advertising may be done
33 through general advertisements (e.g., newspapers, journals,
34 etc.) or by soliciting bids/proposals directly from MWBEs.
 - 35
36 2. Provide MWBEs that express interest with adequate and
37 timely information about plans, specifications, and
38 requirements of the contract. Break down total requirements
39 into smaller tasks or quantities, where economically feasible,
40 in order to permit maximum opportunity for participation by
41 MWBEs and other small businesses.
 - 42
43 3. Utilize the services of available minority community
44 organizations, minority contractor groups, local minority
45 assistance offices and organizations that provide assistance
46 in the recruitment and placement of MWBEs and other small
47 businesses.
- 48

- 1 4. Establish delivery schedules, where requirements of the
2 contract permit, that encourage participation by MWBEs and
3 other small businesses.
4

5 The actions described in this section should supplement efforts to
6 provide information to all qualified firms, and nothing in this section is
7 intended to prevent or discourage the Bidders/Proposers/Contractors
8 from inviting proposals for participation from non-MWBE firms as well
9 as MWBE firms.
10

11 **Non-discrimination**

12 Contractors, Bidders, and Proposers shall not create barriers to open and
13 fair opportunities for all businesses including MWBEs to participate in all
14 State contracts and to obtain or compete for contracts and subcontracts as
15 sources of supplies, equipment, construction and services. In considering
16 offers from and doing business with subcontractors and suppliers, the
17 Contractor shall not discriminate on the basis of race, color, creed, religion,
18 national origin, sex, age, nationality, marital status, or the presence of any
19 mental or physical disability in an otherwise qualified disabled person.
20

21 The Contractor shall make the MWBE Participation General Statement
22 cited previously in this Special Provision a part of all subcontracts and
23 agreements entered into as a result of this contract.
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25 **Definitions**

26 When referred to in this contract, the terms Minority, Minority Business
27 Enterprise (MBE), and Women's Business Enterprise (WBE) will be
28 construed to have the following meanings:
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30 Minority means a person who is a citizen or lawful permanent resident
31 of the United States and who is:
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- 33 (a) Black: having origins in any of the black racial groups of
34 Africa;
35
36 (b) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South
37 American, or other Spanish or Portuguese culture or origin,
38 regardless of race;
39
40 (c) Asian American: having origins in any of the original peoples
41 of the Far East, Southeast Asia, the Indian subcontinent, or
42 the Pacific Islands; or
43
44 (d) American Indian or Alaskan Native: having origins in any of
45 the original peoples of North America.
46

47 Minority Business Enterprise, Minority-owned Business Enterprise, or
48 MBE means a business organized for profit, performing a commercially
49 useful function, which is owned and controlled by one or more minority
50 individuals or minority business enterprises. Owned and controlled

means a business in which one or more minorities or MBE's own at least fifty-one percent (51%), or in the case of a corporation at least fifty-one percent (51%) of the voting stock, and control at least fifty-one percent (51%) of the management and daily business operations of the business.

MWBE means a minority owned business enterprise, a women-owned business enterprise, and/or a combination minority and women's business enterprise certified by the Office of Minority and Women's Business Enterprises (OMWBE) of the State of Washington.

Women's Business Enterprise, Women-owned Business Enterprise, or WBE means a business organized for profit, performing a commercially useful function, which is owned and controlled by one or more women or women's business enterprises. Owned and controlled means a business in which one or more women or WBE's own at least fifty-one percent (51%) or in the case of a corporation at least fifty-one percent (51%) of the voting stock, and control at least fifty-one percent (51%) of the management and daily business operations of the business. The women owners must be United States citizens or lawful permanent residents.

Minority/Women's Business Enterprise means a minority owned business enterprise, a women-owned business enterprise; and/or a combination minority and women's business enterprise certified by the OMWBE of the State of Washington.

MBE/WBE Status

A consolidated list of firms accepted as certified by OMWBE is available via the WSDOT Home Page, (WWW.WSDOT.WA.GOV) and a hard copy is available at nominal cost from the OMWBE.

MBE/WBE goals

The Contracting Agency has established a voluntary goal in the amount of:

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Further Information

If further information is desired concerning Minority Business Enterprise/Women's Business Enterprise participation, inquiry may be directed to:

External Civil Rights Branch
Office of Equal Opportunity
Washington State Department of Transportation
Transportation Bldg., PO Box 47314
Olympia, WA 98504-7314
or telephone - (360) 705-7085
Fax (360) 705-6801